

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. R-03/10-107
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Office of Vermont Health Access (OVHA) denying her coverage under VHAP for eyeglasses. The issue is whether eyeglasses are a covered service.

FINDINGS OF FACT

1. The petitioner alleges that she is legally blind and in the process of applying for Social Security Disability benefits. She has been prescribed new glasses.
2. The Department denied this request pursuant to its current policy (see *infra*) of not providing any eyeglasses or vision correction services to individuals over age twenty-one.

ORDER

The Department's decision is affirmed.

REASONS

There is no dispute in this matter that glasses are medically necessary to improve the petitioner's vision. However, current Medicaid and VHAP regulations (which have been in place since 2003) preclude coverage for individuals over age 21 for any eyeglasses, contact lenses, or other vision correction services. W.A.M. § 7316.1.

The Board has specifically upheld the validity of this blanket exclusion as being consistent with the underlying federal and state statutes and regulations. See e.g. Fair Hearing No. 21,122. Therefore, the Department's decision in this case must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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